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PATENT APPLICATION  
Mo 6419  
LeA 34,865

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF	)	
ULRICH MEISEN	)	
SERIAL NUMBER: 09/940,954	)	GROUP NO.: 1756
FILED: AUGUST 28, 2001	)	EXAMINER: C. RODEE
TITLE: TONER CONTAINING MAGNETITE	)	
PARTICLES	)	

DECLARATION UNDER 37 CFR § 1.132

RECEIVED

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TC 1700

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, ULRICH MEISEN, residing at Schevenerstr. 18a, 53925 Kall, Germany, do hereby declare and state as follows:

1. I am currently employed by Bayer AG as a Chemist, and have been employed by Bayer AG from December 1, 1984 to the present.
2. I received a PhD from the University of Dortmund in 1984.
3. At Bayer AG, I have been engaged in various aspects of research and development in the iron oxides and ferrites field.
4. I am the inventor of the subject matter being claimed in the above-identified Application.
5. The examples in the above-identified Application were actually conducted and the test results are as shown in the specification.

6. The weight percentages of Si, S and Mn in the above-identified Application were determined by methods known to those of ordinary skill in the art as follows:

- a) The Si weight percentage was determined by ICP-OES. ICP-OES is a procedure to determine the concentration of elements existing in low concentration in a watery sample. The procedure is a spectroscopic procedure pursuant to which the element to be analyzed is excited and the light emitted during the transition to the base state, which is characteristic for every element, is measured (OES = Optical Emission). The stimulation occurs through a plasma burner (ICP = Inductive Coupled Plasma). The detection limit of ICP-OES = 5 mg / kg. The analytical instrument used was a ICP-OES manufactured by Spectro Analytic Instruments GmbH & Co. KG, Kleve, Germany; type Spectroflam M.
- b) The S weight percentage was determined by ICP-OES as set forth in a) above.
- c) The Mn weight percentage was determined by ICP-OES as set forth in a) above.

7. The sphericity in the above-identified application was determined by a method known to those of ordinary skill in the art as follows:

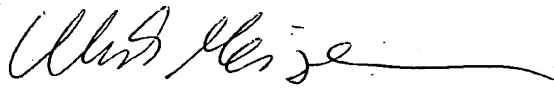
An image of the particles was taken by a transmission electron microscope (EM 208S manufactured by Philips Electronics, The Netherlands) at a magnification of 30,000 times. The evaluation of the sphericity is done by the shape factor method. In this connection the average major axial diameter and the average minor axial diameter were determined by measuring at least 200 particles. The ratio of the average minor axial diameter divided by the average major diameter is the sphericity. The nearer this value is to 1.0, the rounder is the particle.

The undersigned Declarant declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are

believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and/or imprisonment, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of pending Application Serial No. 09/940,954 or any patent issuing thereon.

Signed at Uerdingen, Germany this 24<sup>th</sup> day of October, 2002.

Name: Dr. Ulrich Meisen

A handwritten signature in black ink, appearing to read 'Ulrich Meisen', with a long horizontal flourish extending to the right.

Title: Manager of Process Development One